

Notice of Allowability

Application No.

10/773,680

Examiner

Amee A. Shah

Applicant(s)

BLIAKHMAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Ex. Amdt 3/2/07 & Remarks 12/12/06.
2. ☒ The allowed claim(s) is/are 2-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/1/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

Claims 1-19 are pending in this action.

Response to Amendment

Applicant's amendment, filed December 12, 2006, has been entered. Claims 1-13 have been amended. Claim 20 has been cancelled. The amendments to the specification have been entered and the objections to the drawings are withdrawn in view of these amendments.

Response to Arguments

Applicant's arguments, filed December 12, 2006, with respect to the rejection(s) of claim(s) 1, 2, 11, 14 and 19 under 35 U.S.C. §102(e) regarding the prior art Wharton does not disclose remote store sites communicating through a proxy store to exchange information with a marketplace store have been fully considered and are persuasive. Therefore, the rejections have been withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Voigt, Jr., Esq., on March 1, 2007.

The application has been amended as follows:

In the Claims:

Claim 1 has been cancelled.

Claim 2 has been amended to the following:

A computer system hosting an executable commerce site for exchanging commerce information with a plurality of remote store sites and shopper clients over a computer network, the executable commerce site comprising:

a marketplace store for exchanging information with shopper clients and remote store sites through the computer network; and

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a plurality of proxy stores, each proxy store corresponding with one of the remote store sites for communicating therewith over the computer network and acting as an intermediary for information exchanged between the corresponding remote store site and the marketplace store;

a catalog identifying an aggregation of assets offered through a plurality of remote store sites connected to the computer network; wherein

the marketplace store has access to the catalog for creating a parent list identifying assets selected from the catalog by one of the shopper clients over the network; and

each proxy store is configured for reading the parent list and creating a first request identifying at least some of the assets in the parent list and sending the first request over the computer network to the remote store site associated therewith.

Claim 13 has been amended to replace "claim 1" with --claim 2-- .

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claim 2

The prior art of record neither anticipates nor fairly and reasonably teaches the computer system hosting the executable website as claimed in claim 2. In particular, the prior art does not anticipate nor fairly and reasonably teach a system with a plurality of proxy stores, each proxy store corresponding with one of the remote store sites for communicating therewith over the computer network and acting as an intermediary for information exchanged between the corresponding remote store site and the marketplace store and wherein each proxy store is configured for reading the parent list and creating a first request identifying at least some of the assets in the parent list and sending the first request over the computer network to the remote store site associated therewith.

One of the remarkable prior arts of record is Wittsche, US 5,556,975 B1 (hereafter referred to as "Wittsche"). Wittsche discloses a computer system and method for providing an on-line mall (e.g. Fig. 1) including hosting a commerce site for exchanging commerce information with a plurality of remote store sites and shopper clients over a computer network, comprising a marketplace store for exchanging information with shopper clients and remote store sites through the computer network (Fig. 5, col. 3, lines 41-61 and col. 5, lines 12-34), a catalog identifying an aggregation of assets offered through a plurality of remote store sites connected to the computer network (e.g. col. 9, lines 14-43) and wherein the marketplace store has access to the catalog for creating a parent list identifying assets selected from the catalog by one of the

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shopper clients over the network (e.g. col. 11, lines 42-53, i.e. a shopping cart). However, Wittsche does not anticipate nor fairly and reasonably teach the use of proxies as intermediaries between the marketplace and the remote store wherein the proxy reads the parent list, creates a first request and sends it to the remote store site.

Another remarkable prior art of record is the one discussed in the previous Office Action, Wharton, US 2005/0027611 A1 (hereafter referred to as "Wharton"). Wharton discloses an e-commerce system for aggregating multiple vendor commerce systems that includes a system for exchanging commerce information with a plurality of remote store sites and shopper clients over a computer network (e.g. Fig. 1) with a commerce site comprising an electronic mall, i.e. a marketplace store, for exchanging information with shopper clients and vendors, i.e., remote store sites through the computer network with each store exchanging information through an electronic portal (§0026),), a catalog identifying an aggregation of assets offered through a plurality of remote store sites connected to the computer network (§§0027 and 0037 and claim 1) and wherein the marketplace store has access to the catalog for creating a parent list identifying assets selected from the catalog by one of the shopper clients over the network (§0030, i.e. a global shopping basket). However, applicant's arguments filed December 12, 2006, are persuasive in that Wharton does not anticipate nor fairly and reasonably teach that the electronic portal is a proxy store corresponding with and through which remote store sites communicating to exchange information and which reads a parent list, creates a first request and sends the request to the remote store site.

Another remarkable prior art of record is Pradhan et al., US 2002/0133414 A1 (hereafter referred to as "Pradhan"). Pradhan discloses a method and system for mediated shopping with a

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mediator, similar to the proxy store, that provides communication protocol conversion, as well as other services, between the merchant and the client (Fig. 1 and ¶0030). The mediator converts the information provided by the merchant to a form displayable to the client and communicated information to the client by employing a communication protocol utilized by the client (¶0033). The mediator, therefore, acts as a proxy that accepts a universal language and converts it into n different types of formats (¶¶0042-0046). However, Pradhan discloses one mediator that interacts with multiple merchants, and does not anticipate nor fairly and reasonably teach one proxy per merchant so that there are a plurality of proxies, each proxy corresponding to a merchant for communication between that merchant and another and which reads a parent list, creates a first request and sends the request to the remote store site.

Claim 14.

Claim 14 recites a method for processing information through a network connected to a marketplace commerce site, a plurality of remote store sites and a shopper client. The method comprised method steps consistent with and parallel to the limitations of claim 2. This method is allowable over the prior art for reasons consistent with those identified above with response to claim 2.

Claim 19.

Claim 19 recites an article of manufacture of a program embodied on a computer readable medium tangibly embodying computer executable instructions for a marketplace site that communicates with a plurality of remote store sites and a shopper client over a network.

The medium when executed by a computer causes the computer to perform instructions that are consistent with and parallel to the functionalities and limitations of claim 2. This article of manufacture is allowable over the prior art for reasons consistent with those identified above with response to claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Hare et al., US 6,850,900 B1, discloses a full-service secure commercial electronic marketplace that facilitates transactions between suppliers and buyers (*see, e.g.*, Figs. 5, 6 and 9 and cols. 8-31).

(2) Sosa, WO 01/16768 A1, discloses an online purchase system and method wherein an entity can perform online transactions via a proxy system (*see, e.g.*, pages 2-60).

(3) Unknown author, "dChain Commerce Partners With webMethods To Deliver Comprehensive eMarketplace Solution For Traditional Distribution Businesses," PR Newswire, New York, Jul. 31, 2000, pg. 1, discloses an electronic marketplace that creates a meta-catalog with automated ordering, inventory, promotions and order fulfillment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAS

March 2, 2007


JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600